IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 990 OF 2006

M/s. Bhatia Geenral Hospital .. Petitioners.

vs.

Mrs. Shakuntala Sanap & Ors. .. Respondents.

Mr. K.S. Bapat i/by J.K. Desai for petitioners.

Mr. A.D. Shetty for respondents.

CORAM : S.U. KAMDAR, J.

DATE : 24th April, 2006.

P.C.:

. The present petition is filed challenging the impugned award dated 21.9.2005 by which it has been held that the petitioner employer has failed to prove a settlement between the petitioner and the respondent employee by which the respondent is supposed to have given up her services. It is the case of the respondent that with effect from 26.5.1999 her services were terminated and she was not allowed to report to work. The respondent thereafter raised an industrial dispute in 2001. The matter was referred to the Conciliation Officer. It is the case of the petitioners that during the

pendency of the conciliation proceedings a settlement has been arrived at between the parties under which the respondent on payment of Rs. 25,000/- cash has given up her claim to the said job. The petitioner thereafter addressed a letter to the Labour Officer being letter dated 30.7.2001 inter alia stating therein that the claim of the respondent employee has been settled and she has resigned from the services. However, the respondent workman denied the said fact and accordingly the matter was referred to the Labour Court for adjudication.

2. The Labour Court after recording of the evidence and giving a detailed hearing has come to the conclusion that the petitioner employer has failed to establish any such settlement and that the services of the respondent workman were illegally terminated. The learned counsel for the petitioner has produced before me the letters which are addressed in English and Marathi and contains the thump impression of the workman. Nowhere in any of the letters there is a mention of any settlement/agreement. The workman has denied the said fact. Most crucial fact is that the petitioner is supposed to have paid the respondent the sum of Rs. 25,000/- and the same is paid in cash which is not believed by the Labour Court and accordingly the impugned award has been passed. In my opinion, the

finding of the Labour Court does not require any interference because it is based on material and evidence on record. The documents which are produced and the case which is put forward, does not establish any such settlement between the petitioner and the respondent workman. In the light thereof, the order passed by the Labour Court does not require any interference by this Court in writ jurisdiction under Article 226 of the Constitution of India. The petitioner fails and it is accordingly dismissed. No order as to costs.